

**PROPOSED AMENDMENTS TO  
SENATE BILL 300**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the  
2 line and delete lines 3 through 17 and insert “181.200, 184.612, 197.030,  
3 197.085, 238.645, 243.125, 284.325, 326.021, 326.375, 351.040, 351.075, 353.040,  
4 353.060, 406.020, 406.210, 468.040, 469.040, 471.705, 471.710, 471.720, 496.112,  
5 526.009, 526.031, 561.372, 561.395, 656.754, 705.105, 777.925, 777.935, 778.215,  
6 778.230 and 830.135; repealing ORS 777.927, 777.930, 778.220 and 778.235; and  
7 declaring an emergency.”.

8 Delete lines 19 through 31 and delete pages 2 through 78 and insert:

9 **“SECTION 1. ORS 181.200 is amended to read:**

10 “181.200. The Superintendent of State Police shall be the executive and  
11 administrative head of the Department of State Police. Subject to confirma-  
12 tion by the Senate in the manner provided in ORS 171.562 and 171.565, the  
13 Governor shall appoint the superintendent for a term of four years[. *The*  
14 *Governor may remove the superintendent for inefficiency or malfeasance in of-*  
15 *fice after charges have been preferred and a hearing granted.*], **but the su-**  
16 **perintendent serves at the pleasure of the Governor.**

17 **“SECTION 2. ORS 184.612 is amended to read:**

18 “184.612. (1) There is established the Oregon Transportation Commission  
19 consisting of five members appointed by the Governor, subject to confirma-  
20 tion by the Senate pursuant to section 4, Article III, Oregon Constitution.  
21 The Governor shall appoint members of the commission in compliance with  
22 all of the following:

1 “(a) Members shall be appointed with consideration of the different ge-  
2 ographic regions of the state with one member being a resident of the area  
3 east of the Cascade Range.

4 “(b) Not more than three members shall belong to one political party.  
5 Party affiliation shall be determined by the appropriate entry on official  
6 election registration cards.

7 “(2) The term of office of each member is four years[.], **but a member**  
8 **serves at the pleasure of the Governor.** Before the expiration of the term  
9 of a member, the Governor shall appoint a successor whose term begins on  
10 July 1 next following. A member is eligible for reappointment. In case of a  
11 vacancy for any cause, the Governor shall appoint a person to fill the office  
12 for the unexpired term.

13 “(3) A member of the commission is entitled to compensation and expenses  
14 as provided by ORS 292.495.

15 **“SECTION 3.** ORS 197.030 is amended to read:

16 “197.030. (1) There is established a Land Conservation and Development  
17 Commission consisting of seven members appointed by the Governor, subject  
18 to confirmation by the Senate pursuant to section 4, Article III, Oregon  
19 Constitution.

20 “(2) The Governor shall appoint to the commission:

21 “(a) One member representing Clatsop, Columbia, Coos, Curry, Lincoln  
22 and Tillamook Counties and those portions of Douglas and Lane Counties  
23 lying west of the summit of the Coast Range;

24 “(b) Two members representing Clackamas, Multnomah and Washington  
25 Counties;

26 “(c) One member representing Benton, Linn, Marion, Polk and Yamhill  
27 Counties and that portion of Lane County lying east of the summit of the  
28 Coast Range;

29 “(d) One member representing Jackson and Josephine Counties and that  
30 portion of Douglas County lying east of the summit of the Coast Range;

1 “(e) One member representing Baker, Crook, Deschutes, Gilliam, Grant,  
2 Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman,  
3 Umatilla, Union, Wallowa, Wasco and Wheeler Counties; and

4 “(f) One member representing Benton, Clackamas, Linn, Marion,  
5 Multnomah, Polk, Washington and Yamhill Counties and that portion of  
6 Lane County lying east of the summit of the Coast Range.

7 “(3) At least one member shall be or have been an elected city official in  
8 Oregon and at least one member shall be an elected county official at the  
9 time of appointment.

10 “(4) The term of office of each member of the commission is four years,  
11 but a member [*may be removed by the Governor for cause*] **serves at the**  
12 **pleasure of the Governor.** Before the expiration of the term of a member,  
13 the Governor shall appoint a successor. No person shall serve more than two  
14 full terms as a member of the commission.

15 “(5) If there is a vacancy for any cause, the Governor shall make an ap-  
16 pointment to become immediately effective for the unexpired term.

17 **“SECTION 4.** ORS 197.085 is amended to read:

18 “197.085. (1) The Land Conservation and Development Commission shall  
19 appoint a person to serve as the Director of the Department of Land Con-  
20 servation and Development. The director shall hold the office of the director  
21 at the pleasure of the commission and **of the Governor, and may be dis-**  
22 **missed by either.** The salary of the director shall be fixed by the commis-  
23 sion unless otherwise provided by law.

24 “(2) In addition to salary, the director shall be reimbursed, subject to any  
25 applicable law regulating travel and other expenses of state officers and  
26 employees, for actual and necessary expenses incurred by the director in the  
27 performance of official duties.

28 **“SECTION 5.** ORS 238.645 is amended to read:

29 “238.645. The system shall be administered, subject to the limitations of  
30 this chapter, ORS chapter 238A and the budget prescribed by the board, by

1 the director provided for by ORS 238.630 and by a staff which the board au-  
2 thorizes and which the director appoints. The director shall [*hold that posi-*  
3 *tion during the discretion of*] **serve at the pleasure of the board and of the**  
4 **Governor, and may be dismissed by either,** and the members of the staff  
5 shall [*hold their respective positions during the discretion*] **serve at the**  
6 **pleasure** of the director. No member of the staff may be removed from it,  
7 however, in a manner contrary to the laws of the state regarding civil ser-  
8 vice. The director shall furnish such bond as is required by the board.

9 **“SECTION 6.** ORS 243.125 is amended to read:

10 “243.125. (1) The Public Employees’ Benefit Board shall prescribe rules for  
11 the conduct of its business and for carrying out ORS 243.256. The board shall  
12 study all matters connected with the providing of adequate benefit plan  
13 coverage for eligible state employees on the best basis possible with relation  
14 both to the welfare of the employees and to the state. The board shall design  
15 benefits, devise specifications, analyze carrier responses to advertisements  
16 for bids and decide on the award of contracts. Contracts shall be signed by  
17 the chairperson on behalf of the board.

18 “(2) In carrying out its duties under subsection (1) of this section, the  
19 goal of the board shall be to provide a high quality plan of health and other  
20 benefits for state employees at a cost affordable to both the employer and the  
21 employees.

22 “(3) Subject to ORS chapter 183, the board may make rules not incon-  
23 sistent with ORS 243.105 to 243.285 and 292.051 to determine the terms and  
24 conditions of eligible employee participation and coverage.

25 “(4) The board shall prepare specifications, invite bids and do acts nec-  
26 essary to award contracts for health benefit plan and dental benefit plan  
27 coverage of eligible employees in accordance with the criteria set forth in  
28 ORS 243.135 (1).

29 “(5) The board may retain consultants, brokers or other advisory person-  
30 nel when necessary and, subject to the State Personnel Relations Law, shall

1 employ such personnel as are required to perform the functions of the board.  
2 **If the board employs a person as administrator to carry out the duties,**  
3 **functions and powers of the board, the administrator serves at the**  
4 **pleasure of the board and of the Governor, and may be dismissed by**  
5 **either.**

6 **“SECTION 7.** ORS 284.325 is amended to read:

7 “284.325. The Oregon Film and Video Office shall be under the adminis-  
8 trative control of a director, who is appointed by and who holds office at the  
9 pleasure of the Film and Video Board **and of the Governor, and may be**  
10 **dismissed by either.** The board shall set the compensation of the director.  
11 The director of the office may appoint all subordinate officers and employees  
12 of the office and may prescribe their duties and fix their compensation. The  
13 director of the office may delegate to any subordinate officer or employee  
14 any administrative duty, function or power imposed upon the office by law.

15 **“SECTION 8.** ORS 326.021 is amended to read:

16 “326.021. (1) The State Board of Education shall consist of:

17 “(a) The State Treasurer, or the designee of the State Treasurer;

18 “(b) The Secretary of State, or the designee of the Secretary of State; and

19 “(c) Seven members, appointed by the Governor for a term of four years  
20 beginning July 1 of the year of appointment, subject to confirmation by the  
21 Senate in the manner provided in ORS 171.562 and 171.565. A person ap-  
22 pointed under this paragraph may not be appointed to serve consecutively  
23 more than two full terms as a board member.

24 “(2) In making appointments under subsection (1) of this section, the  
25 Governor shall select from residents of Oregon one member from each con-  
26 gressional district and two members from the state at large. An appointed  
27 member **of the board** may not be engaged in teaching or participate in the  
28 administration or operation of any school.

29 “(3) [*The Governor may remove appointed members of the State Board of*  
30 *Education for cause at any time after notice and public hearing.*] **An ap-**

1 **pointed member of the board shall serve at the pleasure of the Gov-**  
2 **ernor.**

3 “(4) The State Treasurer and the Secretary of State, or the designee of the  
4 State Treasurer or Secretary of State, are nonvoting, ex officio members of  
5 the board.

6 **“SECTION 9.** ORS 326.375, as amended by section 3, chapter 36, Oregon  
7 Laws 2012, is amended to read:

8 “326.375. (1) The State Board of Education shall appoint a Commissioner  
9 for Community College Services who shall:

10 “(a) Serve at the pleasure of the board **and of the Governor, and may**  
11 **be dismissed by either.**

12 “(b) Serve under the direction and control of the Chief Education Officer  
13 appointed under section 2, chapter 519, Oregon Laws 2011, for matters related  
14 to the design and organization of the state’s education system.

15 “(2) The commissioner shall be a person who by training and experience  
16 is well qualified to perform the duties of the office and to assist in carrying  
17 out the functions of the board under ORS 326.041, 326.051, 326.375, 341.005,  
18 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933.

19 “(3) The commissioner shall:

20 “(a) Be the executive head of the Department of Community Colleges and  
21 Workforce Development.

22 “(b) Direct and supervise all activities of the Department of Community  
23 Colleges and Workforce Development.

24 “(c) Hire staff, as authorized by the State Board of Education to assist  
25 in carrying out the duties of the commissioner. The staff shall be considered  
26 employees of the Department of Community Colleges and Workforce Devel-  
27 opment for purposes of ORS chapters 240 and 243.

28 “(d) Be responsible directly to:

29 “(A) The State Board of Education for those duties enumerated in ORS  
30 chapter 341.

1 “(B) The Chief Education Officer for matters related to the design and  
2 organization of the state’s education system.

3 “(4) The commissioner, with approval of the State Board of Education,  
4 shall be responsible for the representation of community college interests to  
5 the Governor, the Legislative Assembly, state agencies and others. The  
6 commissioner, with the approval of the state board, shall be responsible for  
7 submitting community college budget requests and budget reports for the  
8 Department of Community Colleges and Workforce Development to the Leg-  
9 islative Assembly. The state board shall ensure that the budget request for  
10 community colleges and for the Department of Community Colleges and  
11 Workforce Development are separate and distinct from its other requests to  
12 the Legislative Assembly.

13 **“SECTION 10.** ORS 326.375, as amended by sections 3 and 9, chapter 36,  
14 Oregon Laws 2012, is amended to read:

15 “326.375. (1) The State Board of Education shall appoint a Commissioner  
16 for Community College Services who shall serve at the pleasure of the board  
17 **and of the Governor, and may be dismissed by either.**

18 “(2) The commissioner shall be a person who by training and experience  
19 is well qualified to perform the duties of the office and to assist in carrying  
20 out the functions of the board under ORS 326.041, 326.051, 326.375, 341.005,  
21 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933.

22 “(3) The commissioner shall:

23 “(a) Be the executive head of the Department of Community Colleges and  
24 Workforce Development.

25 “(b) Direct and supervise all activities of the Department of Community  
26 Colleges and Workforce Development.

27 “(c) Hire staff, as authorized by the State Board of Education to assist  
28 in carrying out the duties of the commissioner. The staff shall be considered  
29 employees of the Department of Community Colleges and Workforce Devel-  
30 opment for purposes of ORS chapters 240 and 243.

1 “(d) Be responsible directly to the State Board of Education for those  
2 duties enumerated in ORS chapter 341.

3 “(4) The commissioner, with approval of the State Board of Education,  
4 shall be responsible for the representation of community college interests to  
5 the Governor, the Legislative Assembly, state agencies and others. The  
6 commissioner, with the approval of the state board, shall be responsible for  
7 submitting community college budget requests and budget reports for the  
8 Department of Community Colleges and Workforce Development to the Leg-  
9 islative Assembly. The state board shall ensure that the budget request for  
10 community colleges and for the Department of Community Colleges and  
11 Workforce Development are separate and distinct from its other requests to  
12 the Legislative Assembly.

13 **“SECTION 11.** ORS 351.040 is amended to read:

14 “351.040. (1) Directors of the State Board of Higher Education shall hold  
15 office for a term of four years except for directors who are students or fac-  
16 ulty members at the time of appointment, whose terms shall be two years.  
17 All terms begin July 1 of the year of appointment. No person may be ap-  
18 pointed to serve consecutively more than two full terms as a director. Any  
19 person appointed to fill a vacancy occurring prior to the expiration of any  
20 term shall be appointed for the remainder of such term.

21 “(2) [*The Governor may remove any member of the board at any time for*  
22 *cause, after notice and public hearing, but not more than three members shall*  
23 *be removed within a period of four years, unless it be for corrupt conduct in*  
24 *office.*] **A member of the board shall serve at the pleasure of the Gov-**  
25 **ernor.**

26 “(3) The directors are entitled to compensation and expenses as provided  
27 in ORS 292.495.

28 **“SECTION 12.** ORS 351.075, as amended by section 4, chapter 36, Oregon  
29 Laws 2012, is amended to read:

30 “351.075. (1) The State Board of Higher Education shall appoint a chief



1 executive officer who shall be known as the Chancellor of the Oregon Uni-  
2 versity System.

3 “(2) The chancellor shall:

4 “(a) Serve at the pleasure of the board **and of the Governor, and may**  
5 **be dismissed by either.**

6 “(b) Serve under the direction and control of the Chief Education Officer  
7 appointed under section 2, chapter 519, Oregon Laws 2011, for matters related  
8 to the design and organization of the state’s education system.

9 **“SECTION 13.** ORS 351.075, as amended by sections 4 and 10, chapter 36,  
10 Oregon Laws 2012, is amended to read:

11 “351.075. (1) The State Board of Higher Education shall appoint a chief  
12 executive officer who shall be known as the Chancellor of the Oregon Uni-  
13 versity System.

14 “(2) The chancellor shall serve at the pleasure of the board **and of the**  
15 **Governor, and may be dismissed by either.**

16 **“SECTION 14.** ORS 353.040 is amended to read:

17 “353.040. (1) There is established an Oregon Health and Science Univer-  
18 sity Board of Directors consisting of 10 members. The directors, except for  
19 the president of the university, shall be appointed by the Governor and shall  
20 be confirmed by the Senate in the manner prescribed in ORS 171.562 and  
21 171.565.

22 “(2) Except for the president of the university, the term of office of each  
23 nonstudent member is four years. The term of office of the student member  
24 is two years. Before the expiration of the term of a member, the Governor  
25 shall appoint a successor whose term begins on October 1 next following. A  
26 member is eligible for reappointment for one additional term. If there is a  
27 vacancy for any cause, the Governor shall make an appointment to become  
28 effective immediately for the unexpired term. The board shall nominate a  
29 slate of candidates whenever a vacancy occurs or is announced and shall  
30 forward the recommended candidates to the Governor for consideration. To

1 assist the Governor in appointing the student member, the duly organized  
2 and recognized entity of student government shall submit a list of nominees  
3 to the Governor for consideration.

4 “(3) The membership of the board shall be as follows:

5 “(a) One representative who is a nonstudent member of the State Board  
6 of Higher Education.

7 “(b) Seven representatives who, in the discretion of the Governor, have  
8 experience in areas related to the university missions or that are important  
9 to the success of Oregon Health and Science University, including but not  
10 limited to higher education, health care, scientific research, engineering and  
11 technology and economic and business development.

12 “(c) One representative who is a student enrolled at the university.

13 “(d) The president of the university, who shall be an ex officio voting  
14 member.

15 “(4) Directors must be citizens of the United States. Except for the pres-  
16 ident of the university, no voting member may be an employee of the uni-  
17 versity.

18 “(5) The board shall select one of its members as chairperson and another  
19 as vice chairperson for such terms and with such duties and powers as the  
20 board considers necessary for performance of the functions of those offices.  
21 The board shall adopt bylaws concerning how a quorum shall be constituted  
22 and when a quorum shall be necessary.

23 “(6) The board shall meet at least once every three months at Oregon  
24 Health and Science University. The board shall meet at such other times and  
25 places specified by the chairperson or by a majority of the members of the  
26 board.

27 “(7) *[The Governor may remove any member of the board at any time for*  
28 *cause, after notice and public hearing, but not more than three members shall*  
29 *be removed within a period of four years, unless it is for corrupt conduct in*  
30 *office.]* **A member of the board shall serve at the pleasure of the Gov-**

1 **ernor.**

2 **“SECTION 15.** ORS 353.060 is amended to read:

3 “353.060. The Oregon Health and Science University Board of Directors  
4 shall appoint a president of the university. **The president shall serve at**  
5 **the pleasure of the board and of the Governor, and may be dismissed**  
6 **by either.** The president is the president of the faculty and is the executive  
7 and governing officer of the university. Subject to the supervision of the  
8 board, the president has authority to direct the affairs of the university.

9 **“SECTION 16.** ORS 406.020 is amended to read:

10 “406.020. The Department of Veterans’ Affairs shall be under the super-  
11 vision and control of the Director of Veterans’ Affairs. The Governor shall  
12 appoint the director subject to confirmation by the Senate in the manner  
13 provided in ORS 171.562 and 171.565. **The director shall serve at the**  
14 **pleasure of the Governor.** The appointment may not be made without the  
15 written approval of the Advisory Committee provided for in ORS 406.210. The  
16 director shall be a veteran, chosen on the basis of executive and adminis-  
17 trative ability.

18 **“SECTION 17.** ORS 406.210 is amended to read:

19 “406.210. (1) The Governor shall appoint nine persons, all of whom are  
20 veterans as defined in ORS 408.225, to constitute the Advisory Committee  
21 and to act in an advisory capacity to the Director of Veterans’ Affairs con-  
22 cerning all matters upon which the director requests counsel.

23 “(2) The Governor shall make appointments to fill vacancies on the Ad-  
24 visory Committee. When a vacancy occurs, the Governor shall solicit and  
25 consider nominations from the executive committees of congressionally  
26 chartered veterans’ organizations that maintain an Oregon state headquar-  
27 ters. A list of not more than three persons nominated by each executive  
28 committee shall be submitted to the Governor within 30 days after the va-  
29 cancy occurs or, if the vacancy is due to the expiration of a member’s term  
30 of office, not later than 30 days prior to the expiration of the member’s term.

1 Organizations interested in participating in the nomination process shall  
2 report the current address of their state headquarters to the Director of  
3 Veterans' Affairs. The director shall notify those organizations of any cur-  
4 rent or anticipated vacancy.

5 “(3) The term of office of a member of the Advisory Committee is four  
6 years, **but a member serves at the pleasure of the Governor.** [and] A  
7 member may be reappointed upon expiration of the member's term. However,  
8 a member of the Advisory Committee may not serve more than two consec-  
9 utive terms.

10 “(4) After consultation with the Director of Veterans' Affairs, the Advi-  
11 sory Committee shall select one committee member to act as chairperson of  
12 the Advisory Committee, subject to approval by the Governor.

13 “(5) Each participating congressionally chartered veterans' organization  
14 shall furnish the director with a copy of its Congressional Charter including  
15 any subsequent amendments.

16 **“SECTION 18.** ORS 468.040 is amended to read:

17 “468.040. The Environmental Quality Commission shall appoint a director  
18 who shall hold office at the pleasure of the commission **and of the Govern-**  
19 **nor, and may be dismissed by either.** The salary of the Director of the  
20 Department of Environmental Quality shall be fixed by the commission un-  
21 less otherwise provided by law.

22 **“SECTION 19.** ORS 469.040 is amended to read:

23 “469.040. (1) The State Department of Energy shall be under the super-  
24 vision of the Director of the State Department of Energy, who shall:

25 “(a) Supervise the day-to-day functions of the State Department of Energy;

26 “(b) Supervise and facilitate the work and research on energy facility  
27 siting applications at the direction of the Energy Facility Siting Council;

28 “(c) Hire, assign, reassign and coordinate personnel of the State Depart-  
29 ment of Energy, prescribe their duties and fix their compensation, subject to  
30 the State Personnel Relations Law; and

1       “(d) Adopt rules and issue orders to carry out the duties of the director  
2 and the State Department of Energy in accordance with ORS chapter 183 and  
3 the policy stated in ORS 469.010.

4       “(2) The director may delegate to any officer or employee the exercise and  
5 discharge in the director’s name of any power, duty or function of whatever  
6 character vested in the director by law. The official act of any person acting  
7 in the director’s name and by the director’s authority shall be considered an  
8 official act of the director.

9       “(3) The director shall be appointed by **and serve at the pleasure of the**  
10 Governor.

11       “**SECTION 20.** ORS 471.705 is amended to read:

12       “471.705. (1) There is created the Oregon Liquor Control Commission,  
13 consisting of five persons appointed by the Governor. One member shall be  
14 from among the bona fide residents of each congressional district of the  
15 state. One member shall be from the food and alcoholic beverage retail in-  
16 dustry. Not more than three commissioners shall be of the same political  
17 party and one shall be designated by the Governor to be chairperson of the  
18 commission. The commissioners are entitled to compensation and expenses  
19 as provided in ORS 292.495. Each commissioner at the time of appointment  
20 and qualification shall be a resident of this state and shall have resided in  
21 this state for at least five years next preceding appointment and qualifica-  
22 tion. The commissioner shall be an elector therein and not less than 30 years  
23 of age. A commissioner shall cease to hold office if the commissioner ceases  
24 to possess the residency or industry qualification for appointment and the  
25 Governor shall appoint a qualified individual to complete the unexpired term.

26       “(2) The term of office of a commissioner shall be four years from the time  
27 of appointment and qualification and until a successor qualifies, **but a**  
28 **commissioner serves at the pleasure of the Governor.** The terms of the  
29 commissioners shall commence April 1. In case any commissioner is allowed  
30 to hold over after the expiration of the term, the successor shall be appointed

1 for the balance of the unexpired term. Vacancies in the commission shall be  
2 filled by the Governor for the unexpired term. Each commissioner is eligible  
3 for reappointment but no person shall be eligible to serve for more than two  
4 full terms.

5 “(3) All appointments of commissioners by the Governor are subject to  
6 confirmation by the Senate pursuant to section 4, Article III, Oregon Con-  
7 stitution.

8 **“SECTION 21.** ORS 471.710 is amended to read:

9 “471.710. *[(1) The Governor may remove any commissioner for inefficiency,*  
10 *neglect of duty, or misconduct in office, giving to the commissioner a copy of*  
11 *the charges made and an opportunity of being publicly heard in person or by*  
12 *counsel, in the commissioner’s own defense, upon not less than 10 days’ notice.*  
13 *If such commissioner is removed, the Governor shall file in the office of the*  
14 *Secretary of State a complete statement of all charges made against such*  
15 *commissioner, the findings thereon, and a complete record of the*  
16 *proceedings.]*

17 “[2] (1) No person, other than the member appointed in accordance with  
18 ORS 471.705 who is designated from the food and alcoholic beverage retail  
19 industry, is eligible to hold the office of commissioner, or to be employed by  
20 the Oregon Liquor Control Commission if:

21 “(a) The person has any financial interest in any business licensed by the  
22 commission or in any business which manufactures alcoholic beverages sold  
23 in Oregon;

24 “(b) Anyone in the person’s household or immediate family has a financial  
25 interest described in paragraph (a) of this subsection;

26 “(c) Anyone in the person’s household or immediate family is employed  
27 by a business licensed by the commission, unless the person is not in a po-  
28 sition to take action or make decisions which could affect the licensed  
29 business; or

30 “(d) The person or anyone in the person’s household or immediate family

1 has a business connection with any business licensed by the commission,  
2 unless the person is not in a position to take action or make decisions which  
3 could affect the licensed business.

4 “[3)(a)] **(2)(a)** A retail sales agent appointed by the commission, or a  
5 person in the household or immediate family of a retail sales agent, may not  
6 have any financial interest in or business connection with:

7 “(A) A person or business that is licensed as a distillery;

8 “(B) A person or business that holds a full on-premises sales license; or

9 “(C) A distillery whose products are sold in Oregon.

10 “(b) Paragraph (a) of this subsection does not apply to a distillery retail  
11 outlet agent appointed by the commission under ORS 471.230.

12 “[4)] **(3)** Nothing in this section prohibits a person from having a finan-  
13 cial interest resulting from investments made by the Public Employees Re-  
14 tirement System or through mutual funds, blind trusts or similar investments  
15 where the person does not exercise control over the nature, amount or timing  
16 of the investment.

17 “[5)] **(4)** The commission by rule may establish additional restrictions to  
18 prohibit potential conflicts of interest. The commission by rule shall define  
19 ‘immediate family’ and ‘business connection’ as used in this section.

20 “**SECTION 22.** ORS 471.720 is amended to read:

21 “471.720. The Oregon Liquor Control Commission shall appoint an ad-  
22 ministrator who shall serve at *[its discretion]* **the pleasure of the com-**  
23 **mission and of the Governor, and may be dismissed by either.** The  
24 administrator shall be subject to policy direction by the commissioners, and  
25 shall be the secretary of the commission and custodian of commission re-  
26 cords. The administrator shall manage the commission, administer the laws,  
27 and appoint, assign and coordinate personnel of the commission within  
28 budget limitations and the State Personnel Relations Law.

29 “**SECTION 23.** ORS 496.112 is amended to read:

30 “496.112. (1) The State Fish and Wildlife Commission shall appoint a State

1 Fish and Wildlife Director to serve for a term not to exceed four years [*un-*  
2 *less sooner removed by the commission*]. **The director shall serve at the**  
3 **pleasure of the commission and of the Governor, and may be dismissed**  
4 **by either.**

5 “(2) The director shall receive such salary as may be fixed by the com-  
6 mission. In addition to salary, subject to applicable law regulating travel and  
7 other expenses of state officers, the director shall be reimbursed for actual  
8 and necessary travel and other expenses incurred in the performance of of-  
9 ficial duties.

10 “(3) The commission may delegate to the director any of the powers and  
11 duties granted to or imposed upon it by law, except to revoke or refuse to  
12 issue licenses issued pursuant to the commercial fishing laws.

13 “(4) The commission may reappoint the director to additional terms.

14 **“SECTION 24.** ORS 526.009 is amended to read:

15 “526.009. (1) There is created a State Board of Forestry consisting of seven  
16 members appointed by the Governor. The members appointed to the board  
17 shall be subject to confirmation by the Senate as provided in ORS 171.562  
18 and 171.565. The Governor shall designate one member of the board as  
19 chairperson to hold that position until that member’s term expires or until  
20 relieved by the Governor as provided in subsection (6) of this section. The  
21 chairperson shall have such powers and duties as are provided by the rules  
22 of the board.

23 “(2) The term of office of a member of the board is four years. A member  
24 shall be eligible for reappointment, but no member shall serve more than two  
25 consecutive full terms. In case of a vacancy for any cause, the Governor shall  
26 make an appointment as provided in subsection (1) of this section.

27 “(3) Appointments made by the Governor under subsection (1) of this  
28 section shall include appointment of at least one member from each of the  
29 forest regions established under ORS 527.640 and the rules adopted there-  
30 under by January 1, 1987.



1 “(4) No more than three members of the board may derive any significant  
2 portion of their income directly from persons or organizations that are sub-  
3 ject to regulation under ORS 527.610 to 527.770, 527.990 (1) and 527.992.

4 “(5) Except as provided in subsection (4) of this section, no member of the  
5 board shall have any relationship or pecuniary interest that would interfere  
6 with the member representing the public interest.

7 “[*(6) The Governor may at any time remove any member of the board for*  
8 *inefficiency, incompetence, neglect of duty, malfeasance in office, unfitness to*  
9 *render effective service or failure to continue to meet the criteria of appoint-*  
10 *ment pursuant to this section.*]

11 “**(6) Members of the board shall serve at the pleasure of the Gov-**  
12 **ernor.**

13 “**SECTION 25.** ORS 526.031 is amended to read:

14 “526.031. (1) The State Board of Forestry shall appoint a State Forester,  
15 who must be a practical forester familiar with western conditions and experi-  
16 enced in organization for the prevention of forest fires. The forester shall  
17 be the chief executive officer of the State Forestry Department. The forester  
18 shall hold office at the pleasure of the board **and of the Governor**, and  
19 **may be dismissed by either. The forester** shall act as [*its*] **the secretary**  
20 **of the board.**

21 “(2) With the approval of the board and subject to applicable provisions  
22 of the State Personnel Relations Law, the State Forester may appoint a  
23 Deputy State Forester, assistant state foresters and other employees of the  
24 department. During the State Forester’s absence or disability, all authority  
25 shall be exercised by the Deputy State Forester or by the assistant whom the  
26 State Forester or the board, by written order filed with the Secretary of  
27 State, has designated as Acting State Forester.

28 “(3) The board shall fix the compensation of the State Forester. In addi-  
29 tion to their salaries, the forester, the deputy and assistants shall be reim-  
30 bursed, subject to the limitations otherwise provided by law, for their actual

1 and necessary travel and other expenses incurred in the performance of their  
2 duties.

3 **“SECTION 26.** ORS 561.372 is amended to read:

4 “561.372. (1) In order that there may be the closest correspondence be-  
5 tween State Department of Agriculture policies and programs, the public  
6 interests and the resolution of practical agricultural problems of the state,  
7 there is created the State Board of Agriculture.

8 “(2) The Director of Agriculture, the Dean of the College of Agricultural  
9 Sciences of Oregon State University and the chairperson of the Soil and  
10 Water Conservation Commission shall serve as ex officio members of the  
11 board. The director and the dean shall be nonvoting members. The director  
12 shall act as secretary of the board. The dean may appoint a person to rep-  
13 resent the dean on the board.

14 “(3) The Governor shall appoint nine members to the board. The members  
15 appointed to the board must be residents of Oregon. Not more than five of  
16 the members appointed to the board may belong to the same political party.  
17 Party affiliation shall be determined by the appropriate entry on official  
18 election registration cards.

19 “(4) The term of each member appointed to the board is four years, **but**  
20 **a member serves at the pleasure of the Governor.** A member shall con-  
21 tinue to serve until a successor is appointed and qualifies. Before a member’s  
22 term expires, the Governor shall appoint a successor. If a vacancy occurs,  
23 the Governor shall appoint a person to complete the remainder of the unex-  
24 pired term.

25 “(5) A person who serves two consecutive terms on the board is not eli-  
26 gible for appointment to another term on the board until at least one year  
27 after the expiration of the second consecutive term.

28 “(6) The Governor shall appoint two board members who are not actively  
29 involved in the production of agricultural commodities to be representatives  
30 of the public interests. The Governor shall appoint seven board members who

1 are actively engaged in the production of agricultural commodities. The  
2 Governor shall seek to ensure that the appointed board members who  
3 produce agricultural commodities reflect the diverse nature of agricultural  
4 commodity production within the state.

5 **“SECTION 27.** ORS 561.395 is amended to read:

6 “561.395. (1) In order that there may be the closest contact between the  
7 State Department of Agriculture and the various soil and water conservation  
8 districts in the state, and in order to keep the department advised as to  
9 matters of soil and water conservation in the state, there is created a Soil  
10 and Water Conservation Commission which shall consist of seven members  
11 appointed by the Director of Agriculture.

12 “(2) Each member shall be a citizen of this state and a director of a soil  
13 and water conservation district at the time of appointment. As far as prac-  
14 ticable, the Director of Agriculture shall make appointments so that ge-  
15 ographic areas of the state are represented on the commission. The term of  
16 each member shall be four years, **but a member serves at the pleasure**  
17 **of the director and of the Governor, and may be dismissed by either.**  
18 A member shall continue to serve until a successor is appointed and quali-  
19 fied. Vacancies in office shall be filled by appointment for the unexpired  
20 term.

21 “(3) The members shall be entitled to compensation as provided in ORS  
22 292.495. At the first meeting after July 1 of each year the commission shall  
23 select a chairperson. The commission shall meet at least four times each year  
24 on a quarterly basis, and otherwise at the call of the chairperson or the Di-  
25 rector of Agriculture. A majority of the members shall constitute a quorum,  
26 and a majority vote of the quorum at any meeting shall constitute an official  
27 act of the commission.

28 “(4) Any member of the commission who fails to attend three consecutive  
29 meetings of the commission, whether regular, adjourned or special, shall  
30 forfeit the office unless the member is prevented from attending by the seri-

1 ous illness of the member or the member's family or for any other cause that  
2 in the judgment of the director constitutes a valid reason for failing to at-  
3 tend. The director shall immediately appoint a successor.

4 “(5) The function of the commission is to advise and develop policy with  
5 the department in the administration of its duties and powers under ORS  
6 561.400, 568.210 to 568.808 and 568.900 to 568.933.

7 **“SECTION 28.** ORS 656.754 is amended to read:

8 “656.754. (1) The State Accident Insurance Fund Corporation is under the  
9 direct supervision of a manager appointed by the board of directors of the  
10 State Accident Insurance Fund Corporation. The manager serves at the  
11 pleasure of the board of directors **and of the Governor, and may be dis-**  
12 **missed by either.** The manager shall qualify in the manner provided for  
13 board members in ORS 656.716 except that no bond shall be required.

14 “(2) The manager has such powers as are necessary to carry out the  
15 functions of the State Accident Insurance Fund Corporation, subject to pol-  
16 icy direction by the board of directors.

17 “(3) The manager may employ, terminate and supervise the employment  
18 of such assistants, experts, field personnel and clerks as may be required in  
19 the administration of the State Accident Insurance Fund Corporation.

20 **“SECTION 29.** ORS 705.105 is amended to read:

21 “705.105. (1) The Department of Consumer and Business Services is cre-  
22 ated.

23 “(2) The department shall be under the supervision and control of a di-  
24 rector who shall be responsible for the functions of the department.

25 “(3) Subject to confirmation by the Senate in the manner provided in ORS  
26 171.562 and 171.565, the Governor shall appoint the director, who shall hold  
27 office at the pleasure of the Governor. The person appointed as director shall  
28 be well qualified by training and experience to perform the functions of the  
29 office.

30 “(4) The director shall receive such salary as is provided by law or, if not

1 so provided, as is fixed by the Governor.

2 “(5) With respect to the duties, functions and powers imposed upon the  
3 director under the insurance laws, the director may be designated by the title  
4 of Insurance Commissioner or may appoint a person under ORS 705.115 to  
5 serve under the supervision and control of the director as Insurance Com-  
6 missioner. **A person appointed as Insurance Commissioner shall serve**  
7 **at the pleasure of the director and of the Governor, and may be dis-**  
8 **missed by either.**

9 “(6) Before entering upon the functions of office, the director shall give  
10 to the state a fidelity bond with one or more corporate sureties authorized  
11 to do business in this state, or an irrevocable letter of credit issued by an  
12 insured institution, as defined in ORS 706.008, in either case in the penal sum  
13 fixed by the Governor.

14 “(7) The department shall have an official seal. Any certificate or other  
15 document or paper executed by the department pursuant to its authority and  
16 sealed with its seal, and all copies of papers certified by it and authenticated  
17 by the seal, shall in all cases be evidence equally and in like manner as the  
18 original and shall have the same force and effect as would the original in  
19 any suit or proceeding in any court in this state.

20 **“SECTION 30.** ORS 777.925 is amended to read:

21 “777.925. (1) Upon the expiration of the term of a commissioner, a suc-  
22 cessor shall be appointed by the Governor, subject to confirmation as pro-  
23 vided by ORS 171.562 and 171.565. [*Except as provided in ORS 777.927 and*  
24 *777.930,*] Appointees, when confirmed, shall hold office for a term of four  
25 years and until their respective successors have been appointed, confirmed  
26 and qualified. **A member shall serve at the pleasure of the Governor.**

27 “(2) If a vacancy occurs by death, resignation or disqualification of a  
28 commissioner, the vacancy shall be filled by appointment by the Governor  
29 for the unexpired term subject to confirmation as provided by subsection (1)  
30 of this section.

1        **SECTION 31.** ORS 777.935 is amended to read:

2        “777.935. (1) The Governor shall designate one member of the board as  
3 president of the board, who shall [*hold that office until removed from it by*]  
4 **serve at the pleasure of** the Governor. The president of the board shall  
5 have the powers and perform the duties usual to the office of president.

6        “(2) The president of the board shall designate from the other members  
7 of the board a vice president, treasurer and secretary of the board, who shall  
8 hold those offices until removed from them by the president. Each officer  
9 shall have the powers and perform the duties usual to the respective offices.

10       **SECTION 32.** ORS 778.215 is amended to read:

11        “778.215. (1) Upon the expiration of the term of a commissioner, a suc-  
12 cessor shall be appointed by the Governor, subject to confirmation as pro-  
13 vided by ORS 171.562 and 171.565. [*Except as provided in ORS 778.220 and*  
14 *778.235,*] Appointees, when confirmed, shall hold office for a term of four  
15 years and until their respective successors have been appointed, confirmed  
16 and qualified. **A member shall serve at the pleasure of the Governor.**

17        “(2) If a vacancy occurs by death, resignation or disqualification of a  
18 commissioner, the vacancy shall be filled by appointment by the Governor  
19 for the unexpired term subject to confirmation as provided by subsection (1)  
20 of this section.

21       **SECTION 33.** ORS 778.230 is amended to read:

22        “778.230. (1) The Governor shall designate one member of the board as  
23 president of the board, who shall [*hold that office until removed from it by*]  
24 **serve at the pleasure of** the Governor. The president of the board shall  
25 have the powers and perform the duties usual to the office of president.

26        “(2) The president of the board shall designate from the other members  
27 of the board a vice president, treasurer and secretary of the board, who shall  
28 hold those offices until removed from them by the president. Each officer  
29 shall have the powers and perform the duties usual to the respective offices.

30       **SECTION 34.** ORS 830.135 is amended to read:

1       “830.135. (1) The State Marine Board shall appoint a State Marine Di-  
2 rector who shall serve at the pleasure of the board **and of the Governor,**  
3 **and may be dismissed by either.**

4       “(2) The director shall devote full time to the duties of the office. With  
5 the approval of the board, the director shall:

6       “(a) Administer the numbering, certificating, recording and licensing du-  
7 ties of the board.

8       “(b) Perform any other duties assigned by the board.

9       “(c) Hire subordinate employees and fix their compensation.

10       **“SECTION 35. ORS 777.927, 777.930, 778.220 and 778.235 are repealed.**

11       **“SECTION 36. This 2013 Act being necessary for the immediate**  
12 **preservation of the public peace, health and safety, an emergency is**  
13 **declared to exist, and this 2013 Act takes effect on its passage.”.**

14

---